

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☐ INFORMATION ☐ INDICTMENT
☒ SUPERSEDING
OFFENSE CHARGED

Counts I through III: Title 21 U.S.C., Section 841(a) - PWID controlled substance

Count IV: Title 18 U.S.C., Section 924(c) - possession of firearm in furtherance of drug trafficking

Count V: Title 21 U.S.C., Section 843(b) - use of phone to facilitate narcotics trafficking

☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

PENALTY: Counts I - III maximums: prison term of 40 yrs, max fine \$2,000,000, 4 yr term supervised release (count I has minimum prison term of 5 yrs) Count IV maximums: prison term of life, max fine \$250,000, 3 yr term supervised release (Count IV has minimum consecutive prison term of 5 yrs); Count V - prison term 8 yrs, \$250,000 fine

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

DEFENDANT - U.S.

ANDRE NED

DISTRICT COURT NUMBER

10 546 RS

 FILED
 2010 NOV 16 P 3 15
 RICHARD W. WIEKING
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

FBI Special Agent Jon Dubin

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. ATTORNEY ☐ DEFENSE

SHOW DOCKET NO.

☒ this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

10-546-RS

Name and Office of Person

Furnishing Information on this form MELINDA HAAG

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S. Attorney (if assigned)

Asst U.S. Atty Kathryn R. Haun

IS NOT IN CUSTODY

Has not been arrested, pending outcome this proceeding.

 1) ☐ If not detained give date any prior summons was served on above charges
2) ☐ Is a Fugitive3) ☒ Is on Bail or Release from (show District)

NDCA

IS IN CUSTODY4) ☐ On this charge5) ☐ On another conviction
☐ Federal ☐ State
6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

 Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted
ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**
☐ SUMMONS ☐ NO PROCESS* ☒ WARRANT

Bail Amount: 0

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time:

Before Judge:

Comments:

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA

VENUE: SAN FRANCISCO

FILED
2010 NOV 16 P 3 15
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

V.

ANDRE NED,

DEFENDANT(S).

SUPERSEDING INDICTMENT

21 U.S.C. § 841(a)(1) – Possession with Intent to Distribute Controlled Substance;
18 U.S.C. § 924(c)(1)(A)(i) – Possession of a Firearm in Furtherance
of a Drug Trafficking Crime;
21 U.S.C. § 843(b) – Use of a Communications Facility (Telephone)
to Commit/Facilitate Narcotics Trafficking;
18 U.S.C. § 924(d) – Forfeiture of Firearm

A true bill.

Foreman

Filed in open court this 16th day of

November 2010

BETTY P. LEE

EDWARD M. CHEN
UNITED STATES MAGISTRATE JUDGE

No Bail Warrant Bail, \$ _____

MELINDA HAAG (CABN 162132)
United States Attorney

FILED
2010 NOV 16 P 3 15
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

ANDRE NED,

Defendant.

No. 10-CR-546-RS

VIOLATIONS: 21 U.S.C. § 841(a)(1) –
Possession with Intent to Distribute
Controlled Substance (3 counts); 18 U.S.C.
§ 924(c)(1)(A)(I) – Possession of a Firearm
in Furtherance of a Drug Trafficking Crime
(1 count); 21 U.S.C. § 843(b) – Use of a
Communications Facility (Telephone) to
Commit/Facilitate Narcotics Trafficking; 18
U.S.C. § 924(d) – Forfeiture of Firearm

SAN FRANCISCO VENUE

SUPERSEDING INDICTMENT

The Grand Jury charges:

COUNT ONE: 21 U.S.C. § 841(a) - Possession with the Intent to Distribute a Controlled
Substance (cocaine base)

On or about March 24, 2010, in the Northern District of California, the defendant,

ANDRE NED,

knowingly and intentionally possessed with intent to distribute a Schedule II controlled
substance, to wit: 5 grams or more of a mixture and substance containing a detectable amount of
cocaine, its salts, optical and geometric isomers, and salts of its isomers, and containing cocaine

SUPERSEDING INDICTMENT

base in the form of crack in violation of Title 21, United States Code, Section 841(a)(1) and 841(b)(1)(B)(iii).

COUNT TWO: 21 U.S.C. § 841(a) - Possession with the Intent to Distribute a Controlled Substance (Methylenedioxymethamphetamine or "Ecstasy")

On or about March 24, 2010, in the Northern District of California, the defendant,

ANDRE NED,

knowingly and intentionally possessed with intent to distribute a Schedule I controlled substance, to wit: 3,4-methylenedioxymethamphetamine ("MDMA" or "Ecstasy"), in violation of Title 21, United States Code, Section 841(a)(1) and 841(b)(1)(C).

COUNT THREE: 21 U.S.C. § 841(a) - Possession with the Intent to Distribute a Controlled Substance (Marijuana)

On or about March 24, 2010, in the Northern District of California, the defendant,

ANDRE NED,

knowingly and intentionally possessed with intent to distribute a Schedule I controlled substance, to wit: marijuana, in violation of Title 21, United States Code, Section 841(a)(1) and 841(b)(1)(D).

COUNT FOUR: 18 U.S.C. § 924(c)(1)(A)(I) - Possession of a Firearm During and in Relation to a Drug Trafficking Crime

On or about March 24, 2010, in the Northern District of California, the defendant,

ANDRE NED,

did knowingly possess a firearm, to wit a 9 mm Glock semi-automatic pistol, serial number HKH702, in furtherance of a drug trafficking crime for which he may be prosecuted in a Court of the United States, as alleged in Count One, Count Two and Count Three of the Superseding Indictment, in violation of Title 18, United States Code, Section 924(c)(1)(A).

COUNT FIVE: 21 U.S.C. § 843(b) – Use of a Communications Facility (Telephone) to Commit/Facilitate Narcotics Trafficking

In or about ^{December 2009 MB} ~~January 2010~~ and continuing through in or about March 2010, in the Northern District of California, the defendant,

ANDRE NED,

did knowingly and intentionally use a communications facility, namely a telephone, in committing, and in causing and facilitating the commission of, an act constituting a felony violation of Title 21, United States Code, Section 841(a)(1), specifically, the distribution of a controlled substance, in violation of Title 21, United States Code, Section 843(b).

Forfeiture Allegation: 18 U.S.C. § 924(d) - Forfeiture of Firearm

As a result of the foregoing offenses contained in Counts One through Three, the defendant shall forfeit to the United States all firearms and ammunition involved in the commission of violations of Title 18, United States Code, Section 924(c) as listed in Counts One through Four; all in violation of Title 18, United States Code, Section 924(d), and Title 28, United States Code, Section 2461(c).

DATED:

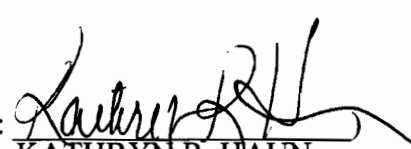
November 16, 2010

A TRUE BILL.


FOREPERSON

MELINDA HAAG
United States Attorney


GREGG W. LOWDER
Chief, Major Crimes Section

(Approved as to form: )

KATHRYN R. HAUN
Assistant U.S. Attorney

SUPERSEDING INDICTMENT